

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-20685

United States District Court
Southern District of Texas
FILED

JAN 19 2017

DAVE CARLTON; SHARON KEGERREIS,

David A. Bradley, Clerk of Court

Plaintiffs - Appellants

v.

FRED CANNON; JOHN K. KARNES; VINOD KHOSLA,

Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas, Houston
USDC No. 4:15-CV-12

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this Federal Securities class action suit, the plaintiffs filed a notice of appeal from an order of the district court granting in part and denying in part the defendants' motion to dismiss the plaintiffs' third amended complaint.

When an action involves multiple claims, any decision that disposes of fewer than all the claims does not terminate the litigation and is not appealable unless certified under Federal Rule of Civil Procedure 54(b). *See Borne v. A & P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985). Accordingly,

this court is without jurisdiction and the appeal must be dismissed.

IT IS SO ORDERED.



A True Copy

Certified order issued Jan 19, 2017

Styl W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

January 19, 2017

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

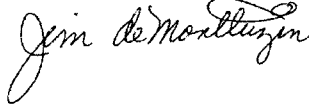
No. 16-20685 Michael Berry, et al v. Fred Cannon, et al
USDC No. 4:15-CV-12

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
James deMontluzin, Deputy Clerk
504-310-7679

cc w/encl:

Mr. Adam M. Apton
Mr. N. Scott Fletcher
Ms. Jan Nielsen Little
Ms. Noelle M. Reed